

Prior law [declared unconstitutional in *Russell v. CSX Transportation, Inc.* Nos. 96-CA-2151, 96-CA-2362, Feb. 25, 1997, 689 So.2d 1354 (La. 1997) because it constituted discrimination against federal rights which is prohibited by the Supremacy Clause of the U.S. Constitution] provided that a district court could dismiss a suit without prejudice when the cause of action was predicated solely on federal law and was based on acts or omissions originating outside of this state and there existed a more appropriate forum outside of this state based on the location where the action occurred, the convenience of the parties and witnesses, and the interest of justice. Provided that a cause of action could not be dismissed when the plaintiff is domiciled in this state and the cause of action was brought in a court of competent jurisdiction and proper venue. Provided that the court, in the interest of justice and before the rendition of the judgment of dismissal, could require the defendant or defendants to file with the court a waiver of any defense based upon prescription, provided that a suit on the same cause of action is commenced in a court of competent jurisdiction within 60 days from the rendition of the judgment of dismissal. Provided that the authority to dismiss did not apply to claims brought pursuant to 46 U.S.C. §688 or federal maritime law.

New law provides that a district court may dismiss without prejudice, a civil case which is predicated upon acts or omissions originating outside the territorial boundaries of this state, when it is shown that there exists a more appropriate forum outside of this state, taking into account the location where the acts giving rise to the action occurred, the convenience of the parties and witnesses, and the interest of justice.

New law provides that in the interest of justice, and before the rendition of the judgment of dismissal, the court shall require the defendant or defendants to file with the court a waiver of any defense based upon prescription that has matured since the commencement of the action in this state, provided that a suit on the same cause of action is commenced in a court of competent jurisdiction in a foreign forum within 60 days from the rendition of the judgment of dismissal.

New law provides that the court may further condition the judgment of dismissal to allow for reinstatement of the action in the same forum in the event a suit on the same cause of action commenced in an appropriate foreign forum within 60 days after the rendition of the judgment of dismissal and such foreign forum is either unable to assume jurisdiction over the parties or does not recognize such cause of action or any cause of action arising out of the same transaction or occurrence.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends C.C.P. Art. 123(B) and (C))